College Relations Commission

Annual Report

1988-1989

College
Relations
Commission

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To: The Members of the Legislative Assembly Province of Ontario

Annual Report
1988-1989

Dear Members,

I have the honour to present the Fourteenth Annual Report of the College Relations Commission, covering the period from September 1, 1988, to August 31, 1989.

Katherine E. Swinton
Chair
College Relations Commission
August 31, 1989

91-00945/

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I DUTIES OF THE COMMISSION

The College Relations Commission was established by section 55 of the Colleges Collective Bargaining Act, Revised Statutes of Ontario 1980, chapter 74. Its duties are:

(a) to carry out the duties imposed on it by this Act and such other functions as may, in the opinion of the Commission, be necessary to carry out the intent and purpose of this Act;

(b) to maintain an awareness of negotiations between the parties;

(c) to compile statistical information on the supply, distribution, professional activities, and salaries of employees;

(d) to provide such assistance to parties as may facilitate the making or renewing of agreements;

(e) to select and, where necessary, to train persons who may act as mediators, fact finders, arbitrators, or selectors;

(f) to determine, at the request of either party or in the exercise of its discretion, whether or not either of the two parties is or was negotiating in good faith and making every reasonable effort to make or renew an agreement;

(g) to determine the manner of conducting votes and to supervise votes by secret ballot pursuant to this Act; and

(h) to advise the lieutenant-governor in council when, in the opinion of the Commission, the continuance of a strike, lockout, or closing of a college or colleges will place in jeopardy the successful completion of courses of study by the students affected by the strike, lockout, or closing of the college or colleges.

The chief executive officer and secretary of the Commission is Robert E. Saunders. The Commission's offices are at 111 Avenue Road, Suite 400, Toronto, Ontario M5R 3J8.

II MEMBERS AND ORGANIZATIONAL STRUCTURE

The College Relations Commission is composed of five members appointed by the lieutenant-governor in council. The terms of appointment range from one to three years, and each member of the Commission is eligible for reappointment upon the expiration of the term.
Ms. Katherine E. Swinton was appointed as chair on November 1, 1987. Mr. David Allan Hayes was appointed vice-chair on May 11, 1988. Mrs. Trèva Cousineau was appointed as commissioner on May 11, 1988. Both Mr. John Irwin Zeiler and Mr. William John McNeil were appointed as commissioners March 6, 1989.

Members of the Commission

Chair: Katherine E. Swinton, B.A. Hon. - History (University of Alberta), LL.B. (Osgoode Hall Law School, York University), LL.M. (Yale University), Member of the Ontario Bar

Ms. Swinton, a professor in the Faculty of Law at the University of Toronto, has served as chair of labour arbitration boards in the private and public sectors and as vice-chair of the Ontario Crown Employees' Grievance Settlement Board. She has published extensively in the area of labour relations and has co-edited *Studies in Labour Law*.

Vice-Chair: David Allan Hayes, B.A. (McMaster University), M.Ed. (University of Toronto)

Mr. Hayes is a retired educator. He has served as a supervisory officer with the Lincoln County Board of Education, both as a superintendent of curriculum and as an area superintendent. As a supervisory officer, Mr. Hayes developed and implemented a complete evaluation system for all teaching and supervisory personnel, and special programs to assist general level students and reduce the dropout rate among secondary school students. Mr. Hayes also developed a complete curriculum design, implementation, and review program for all programs -- Kindergarten to Grade 13 and a co-operative professional development program for teachers.

Commissioner: John Irwin Zeiler, B.A. (University of Toronto), LL.B. (University of Toronto)

Mr. Zeiler is a partner in the law firm of Leve and Zeiler, whose practice includes real estate and corporate, commercial, and estate work. He was the solicitor for the developer who registered the first condominium in Ontario.

Mr. Zeiler has taught for the Ontario Real Estate Association, the Appraisal Institute of Canada, and more recently in the Department of Administrative Studies at York University, where he lectures in real property law and negotiations.

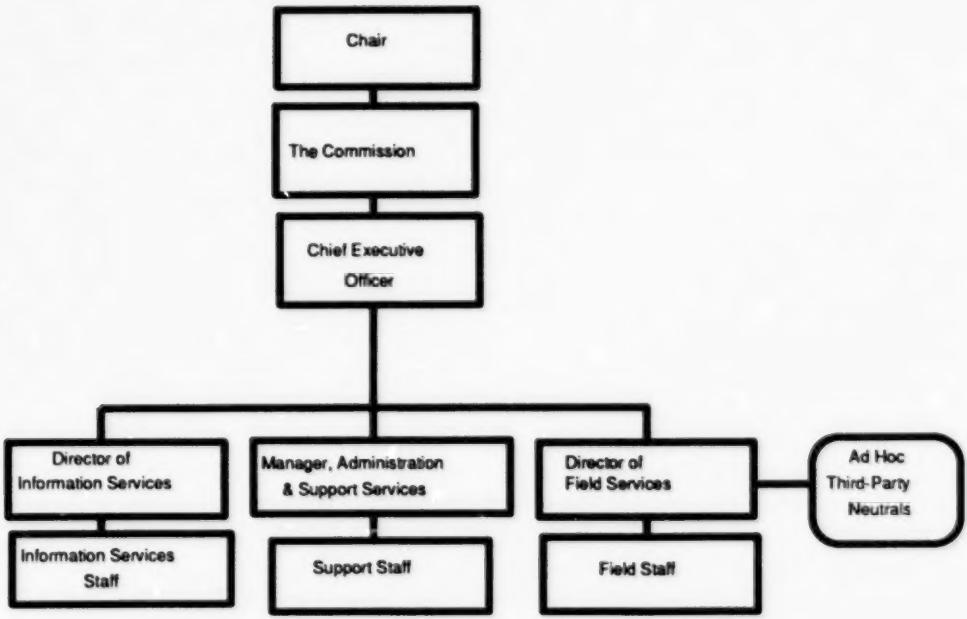
Commissioner: William John McNeil, B.Com. (University of Toronto)

Mr. McNeil has had fifteen years' experience as a teacher and vice-principal in North York and fifteen years' service as a field officer with the Ontario Secondary School Teachers' Federation. His past positions include president of District 13 of the OSSTF, governor of the Ontario Teachers' Federation, advisory board member of the provincial executive of the OSSTF, and former trustee of the Ontario Teachers' Insurance Plan. He is currently enrolled in the master's degree program in industrial relations at the University of Toronto.

Commissioner: Trèva Legault Cousineau, B.Sc. (H. Ed.) (University of Ottawa), R.P.Dt.

Ms. Cousineau is co-ordinator of French-Language Services for the Ministry of Community and Social Services, North Central Area, and a member of the board of governors of Cambrian College, Sudbury. She has served as chair and vice-chair of the Timmins District Roman Catholic School Board, member of the Commission on the Financing of Elementary and Secondary Education in Ontario, president of l'Association française des conseils scolaires de l'Ontario, chair of the Ontario School Trustees' Council, and member of the Ministry of Education's Advisory Committee on Special Education and Advisory Council on the Role of the Trustee.

Organization Chart:
The College Relations Commission



III NEGOTIATION PROCESS

The mandate of the College Relations Commission to maintain an awareness of and facilitate collective negotiations between the Ontario Council of Regents for Colleges of Applied Arts and Technology, as employer, and the Ontario Public Service Employees Union, representing the academic and support staffs - is contained in the Colleges Collective Bargaining Act. Passed in 1975 and revised in 1980, this Act gives the academic and support staffs the right to strike and gives the Ontario Council of Regents for Colleges of Applied Arts and Technology the right to lock out. These rights, however, are regulated. For example, a strike or lockout is not legal until:

(a) a fact finder has met with the parties and his or her report has been made public; and

(b) a fifteen-day cooling-off period takes place after the fact finder's report is submitted to the parties; and

(c) the members of the employee organization have voted by secret ballot in a supervised vote – on the last offer of the Council of Regents; and

(d) the members of the employee organization have voted – by secret ballot in a supervised vote – to take strike action.

At any time during the process, the parties may choose voluntary binding arbitration or final-offer selection as an alternate means of dispute resolution.

The Commission monitors the negotiation process from the time an intent to negotiate is filed by the parties until a collective agreement is signed. Particular attention is paid to the timing and appropriateness of appointments of fact finders and mediators.

The conduct of votes – last offer, strike, or ratification – has assumed major importance for the Commission. This is due not only to the number of votes that have been supervised, but also to the number of members of the employee organizations and the number of campuses involved.

IV STAFF AND FACILITIES

The Commission shares staff and facilities with the Education Relations Commission and has participated with that commission in training fact finders, mediators, arbitrators, and selectors. For a more complete picture of this year's activities, reference should be made to the Fourteenth Annual Report of the Education Relations Commission.

V NEGOTIATIONS AND APPOINTMENTS

The current agreements between the Council of Regents and the Ontario Public Service Employees Union expired on August 31, 1989. Notice was filed by the union to renegotiate the agreements and negotiations began. After several negotiating sessions failed to result in new agreements, fact finders were appointed to assist in the negotiations and their reports were made public before the expiry of the old agreements. The fact-finders were Mr. Douglas Lawless for the support staff and Dr. William Marcotte for the academic staff..

VI OTHER DEVELOPMENTS

On November 21, 1988, Maureen Saltman was appointed as a grievance mediator to resolve a grievance at Algonquin College and was able to assist the parties in achieving a mututally satisfactory resolution.

As a result of a dispute over workload and the application of the collective agreement at Fanshawe College, the Commission was asked to appoint, in accordance with the terms of the agreement, a workload resolution arbitrator. Dr. David Whitehead was appointed on March 9, 1989, to resolve the matter and has issued a decision.

APPENDIX

Statement of Expenditures
April 1, 1988 - March 31, 1989

Categories	Budget Allocation	Actual Expenditures
Transportation & Communications	$10 000	$1 286
Services	42 700	32 975
Supplies & Equipment	1 500	2 833
Total Budget Allocation	$54 200	
Total Actual Expenditures		$37 094